United Nations S/2017/165

Security Council

Distr.: General
23 February 2017

Original: English

Report of the Secretary-General on Burundi

I. Introduction

1. The present report is submitted pursuant to resolution 2303 (2016), in which the Security Council requested me to report to it on the situation in Burundi every three months, including on any public incidents of incitements to hatred and violence, as well as on steps to ensure the deployment of the United Nations police component and on possible adaptations of the United Nations police component as referred to in paragraphs 13 and 14 of the resolution. My Special Adviser briefed the Council on the situation in Burundi on 8 November 2016. The present report covers the period since the adoption of resolution 2303 (2016) on 29 July 2016 and provides details about the status of the implementation of the resolution, as well as the efforts of my Special Adviser and the United Nations system in this regard.

II. Major developments

A. Political developments

2. Nearly two years have passed since the beginning of the political crisis in Burundi, which was sparked by the decision of the ruling party, Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD-FDD), to support President Pierre Nkurunziza's candidacy for a third term. Since then, the political impasse has only deepened. Political space has been narrowed further through repression. In lieu of meaningful dialogue, the exchange of political views, primarily in the form of accusations and counter-accusations, is taking place across social media and in public communiqués. In a new development, President Nkurunziza suggested in a statement at the end of 2016 that he might seek a fourth term in office "if the Burundian people decide to change the Constitution according to their wishes". This has the potential to plunge the country into an even deeper crisis.

3. Regional efforts to resolve the crisis through genuine, inclusive dialogue under the auspices of the East African Community (EAC) have yet to achieve a breakthrough. At the same time, there are serious concerns about the inclusiveness and legitimacy of the "national inter-Burundian dialogue" process under the auspices of the Government-established National Commission for the Inter-Burundian Dialogue (CNDI). The conclusions contained in the August 2016 interim report of CNDI included the removal of presidential term limits and other constitutional amendments which, if adopted, would undermine the 2000 Arusha Peace and Reconciliation Agreement for Burundi.

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4. While the Government has decided to withdraw from the Rome Statute of the International Criminal Court, suspend cooperation and collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and refuse cooperation with the commission of inquiry mandated by the Human Rights Council, human rights violations and abuses continue to be reported on a worrying scale. Meanwhile, the Government has yet to sign the memorandum of understanding with the African Union on the deployment of human rights observers and military experts. In addition, the Government's relations with key bilateral partners remain tense, as the Government continues to attribute the crisis to external interference. While the Government insists that the situation in the country has normalized, political opposition and civil society leaders continue to appeal for urgent international action to avert the risk of further deterioration, widespread violence and mass atrocities. Despite a decline in overt violence and fewer incidences of armed confrontation, reports of human rights violations and abuses continue, including killings, enforced disappearances, gender-based violence, arbitrary arrests and detentions, torture and ill-treatment, along with the discovery of unidentified bodies. The allegations of more than 200 cases of enforced disappearance since October 2016 are of particular concern. From April 2015 to 31 December 2016, OHCHR documented 593 violations of the right to life, and hundreds of people continue to be arrested every month.

5. Many Burundians live in fear as a result of widespread repression and increasing intimidation by the Imbonerakure, the ruling party's youth wing. There are also unconfirmed reports of attacks and human rights abuses committed against Government supporters and security forces. The socioeconomic and humanitarian situation has grown increasingly dire and, as of early February 2017, some 387,000 Burundians had fled the country since the beginning of the crisis. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the projections for 2017 are that this number will surpass 500,000.

Domestic developments

6. On 20 August 2016, CNDD-FDD held an extraordinary congress in Gitega to restructure the leadership of the party, placing Major General Evariste Ndayishimiye in the position of Secretary-General. The Congress also confirmed President Nkurunziza's chairmanship over the party's Council of the Wise, which serves as the party's main advisory body.

7. On 19 November 2016, in a speech delivered in Rutegama, Muramvya province, President Nkurunziza called on CNDD-FDD party members to be vigilant "as the fight continues", warning that "this term is from God, and anyone, whether a foreigner or a national opposing the term, will be punished by God".

8. The inter-Burundian dialogue under the auspices of CNDI is close to completion. To date, the 15-member commission has completed all dialogue sessions held at the provincial and communal levels across the country, and also held meetings with some Burundians living in exile. On 23 August 2016, the president of CNDI, Monsignor Justin Nzoyisaba, announced the submission of the Commission's interim report on the achievements of CNDI to the President and the National Assembly. The interim report presented preliminary recommendations emanating from these dialogue sessions, stating that the majority of citizens demanded an end to presidential term limits and supported the Constitution's supremacy vis-à-vis the Arusha Agreement. The report also stated that "the Burundians" do not want former presidents to remain senators for life, that "the citizens" see shortcomings in the Constitution as the source of political conflict and insecurity, and that citizens desire amendments to some existing legislation concerning political parties and civil society. Many opposition political leaders and civil society groups did not participate in the process, and most

have voiced strong concerns over what they deem a lack of inclusiveness and transparency, alleging that the process is controlled by the Government with the objective of producing a predetermined political outcome.

9. On 11 October 2016 in Gitega, the Minister of the Interior convened a meeting of political party representatives and political actors to discuss the role of political leaders in the context of peace and dialogue in preparation for elections in 2020. The conference participants signed a 29-article resolution, which included recommendations on the repatriation of the inter-Burundian dialogue process facilitated by EAC to create synergies with CNDI, and the establishment of a national commission mandated to propose constitutional revisions in line with the CNDI findings. It also recommended the reinforcement of mechanisms to monitor non-governmental organizations.

10. On 16 November 2016, the Council of Ministers approved the establishment of a constitutional review commission mandated to study amendments to the Constitution. The commission is reportedly tasked with analysing articles of the Constitution to be amended for Government consideration and, with the latter's agreement, proposing an amended draft Constitution. It further stated that the Council's decision had been informed by: (a) recommendations on constitutional amendments contained in reports of the National Independent Electoral Commission, the National Independent Human Rights Commission and CNDI; (b) the resolution adopted at the 11 October meeting of political parties and leaders; and (c) the need to harmonize certain articles with EAC law. Opposition political parties and civil society criticized the Council's decision, warning that any deliberate violation of the Constitution and the Arusha Agreement would only worsen the current political crisis.

11. During the reporting period, upon instruction by the Senate, the Minister of Civil Service, Labour and Employment asked public administration services to complete a survey to verify the respect for diversity required under the Constitution. The survey asked, inter alia, for identification of the gender, ethnicity and regional origin of all public servants. While article 143 of the Constitution requests that the public administration reflect the diversity of the nation, the survey provoked widespread concern about ethnic targeting.

12. A "week of prayer" led by President Nkurunziza in Rutana province culminated in a statement on 30 December 2016 and an address to the nation on 31 December 2016. The President, inter alia, reiterated his refusal to enter into dialogue with Burundian exiles under arrest warrant, and alleged that conflicts throughout the history of Burundi since independence had been instigated by the same "small group of people". He further stated that the facilitation by EAC would be best served by assisting in the preparations for the 2020 elections. The President said that the constitutional reform commission would study amendments to harmonize the Constitution with international conventions, including the Treaty for the Establishment of the East African Community, and would take into account the recommendations of CNDI. He also referred to his possible candidacy in 2020, pending constitutional reform and the support of the population.

13. The opposition remains largely divided between the political and the armed opposition, as well as between those still resident in Burundi and those who are in exile. Opposition members have accused the Government of targeted arrests and other forms of intimidation, while also attempting to co-opt some elements of the exiled opposition to return to Burundi.

Inter-Burundian dialogue led by the East African Community

14. There have been three meetings in the dialogue process led by EAC under the leadership of the President of Uganda, Yoweri Kaguta Museveni, as mediator, and

former President of the United Republic of Tanzania, Benjamin William Mkapa, as facilitator: the first in Entebbe, Uganda, in December 2015, and the other two in Arusha, United Republic of Tanzania, in May and July 2016. So far, the facilitator has held separate consultations with the Government and some members of the political opposition. However, the different stakeholders have yet to sit together to engage in face-to-face dialogue. Despite its stated commitment to the regional dialogue process led by EAC, the Government of Burundi has repeatedly rejected engagement with those alleged to have been involved in the failed May 2015 coup d'état and civil society leaders of the "Halte au troisième mandat" ("Stop the third term") movement. The Government has been calling for the dialogue to be repatriated to Burundi and merged with the CNDI process, a move rejected by EAC.

15. In the light of the difficulties in getting a genuine dialogue process off the ground, facilitator Mkapa called on the region to apply pressure on the Government and the opposition to commit to participate in the dialogue in good faith and without preconditions. On 8 September, the Summit of Heads of State of the East African Community convened in Dar-es-Salaam, United Republic of Tanzania, and endorsed a set of recommendations proposed by the EAC facilitator, including "the imperative need" for Heads of States' "personal engagement in getting the parties to commit themselves to serious and inclusive dialogue without preconditions". Following the summit, facilitator Mkapa developed a road map for the dialogue process and presented it to the mediator, President Museveni, on 2 November. The road map provides for a series of engagements between December 2016 and June 2017, which would culminate in a "final agreement" to be reached in June.

16. Facilitator Mkapa visited Bujumbura from 7 to 9 December 2016. The facilitator consulted with President Nkurunziza, the CNDD-FDD Secretary-General and other political stakeholders on the proposed road map. At a press conference concluding his visit, the facilitator made a statement in which he asserted the legitimacy of President Nkurunziza's third term and said that the dialogue should focus on preparing for free and fair elections in 2020.

17. Some opposition leaders and members of civil society expressed dismay at the facilitator's statement. In a 9 December communiqué, the National Council for Respect for the Arusha Agreement and the Rule of Law (CNARED) coalition declared that the facilitator had disqualified himself by asserting President Nkurunziza's legitimacy, thereby "excluding" most opposition members. It called on "all living forces of Burundi opposed to the third mandate" to continue "the fight to safeguard the Arusha Agreement and the rule of law in Burundi". In a 12 December letter to facilitator Mkapa, CNARED President Jean Minani stated that CNARED no longer recognized him as facilitator, as he had "denied the cause of the conflict in Burundi". Several civil society entities belonging to the "Stop the third term" movement (Action by Christians for the Abolition of Torture, the Association pour la protection des droits humains et des personnes détenues, the Forum pour le renforcement de la société civile au Burundi, the Forum pour la consience et le développement, the Ligue burundaise des droits de l'homme ITEKA and SOS Torture) accused the facilitator of bias in favour of the regime, and requested a meeting with the EAC mediator, President Museveni.

18. Facilitator Mkapa convened a further session in Arusha from 16 to 19 February, to which an inclusive list of participants was invited. The Government did not attend the session, but a delegation of the ruling party, CNDD-FDD, took part. Also, a CNARED delegation headed by Jean Minani travelled to Arusha to meet with Facilitator Mkapa. In Bujumbura, Gitega and other parts of the country, large demonstrations took place against the Arusha consultations and the participation of so-called "putschists". While the dialogue session was ongoing, the Government of Burundi requested the Government of the United Republic of

Tanzania to arrest several participants in the dialogue who had been invited by the Facilitator. Facilitator Mkapa, in his concluding statement on 19 February, called on EAC to convene an extraordinary summit on Burundi so that "the impediment to the process" could be discussed.

B. Security developments

19. The security situation remains fragile. While incidents of overt violence and clashes between armed groups and Government security and defence forces had ebbed for some time, daily allegations of arbitrary arrest, ill-treatment, torture and enforced disappearance, along with the discovery of bodies, continue to be reported. Search and cordon operations by police or joint police-military teams continued almost daily in Bujumbura neighbourhoods, especially in Musaga and Nyakabiga, which were widely regarded as hotspots for protests against a third term. While the initial phase of the crisis in 2015 saw violent incidents largely concentrated in and around the capital, throughout 2016 there were regular reports of incidents in other parts of the country, particularly in provincial hotspots in Bururi, Cibitoke, Gitega, Kirundo, Makamba, Muyinga, Ngozi, Rumonge, Rutana and Ruyigi provinces.

20. Importantly, there have been reports of increased activity by the Imbonerakure, the ruling party's youth militia. This is contributing to a sense of insecurity and a climate of fear. There have been regular reports of intimidation, criminal activity, ill-treatment, nocturnal patrols and paramilitary training in a number of provinces. The Imbonerakure reportedly also routinely participate in joint operations with the police and intelligence services and are reported to have been implicated in numerous cases of arbitrary arrest and disappearance, ill-treatment, killings and some cases of sexual violence.

21. The fragility of the security situation was further underscored by the attempted assassination of presidential adviser Willy Nyamitwe on 28 November, in which Nyamitwe was injured and one of his bodyguards died. On 1 January, the Minister of Water, the Environment and Planning, Emmanuel Niyonkuru, was assassinated. The incident is still under investigation.

22. On 28 December, the Senate unanimously adopted the draft law on the management and organization of the Force de défense nationale (FDN). The law has yet to be approved by the Constitutional Court and promulgated by the President. The FDN spokesperson commented on the draft law, citing (a) the renaming of the FDN to the Force de défense nationale du Burundi, (b) the reorganization of domestic command structures currently known as military regions and (c) the reorganization of FDNB into multiple services. The law garnered criticism of the envisaged creation of a system of reservists, as opposition voices fear this will legalize the military use of the Imbonerakure and CNDD-FDD ex-combatants as a partisan militia.

23. The cohesion of the security forces remains a key factor for the stability of the country. Reports of increased targeting of ex-soldiers of the Forces armées burundaises are a major concern. While cohesion has so far been maintained, it could be tested by the further targeting of high-ranking officials, including FDN officers, as well as unforeseen political or security events. Eighteen people, including at least five ex-soldiers of the Forces armées burundaises, were arrested and sentenced to 30 years in prison after allegedly attacking a military camp in Mukoni, Muyinga province, on 23 January. The incident was qualified by Government officials as an "attempted robbery by an organized gang", but opposition leaders alleged that it was a fabrication by the Government in order to stage a crackdown. Of those convicted, eight said they had been severely tortured.

Three bodies were also discovered near the base shortly after the incident, including that of a warrant officer who had been arrested by police during the incident and later found decapitated.

Regional security issues

24. Relations between Burundi and Rwanda remain tense. Throughout the reporting period, isolated border incidents, as well as trade and movement restrictions, were witnessed. On 29 July, the Council of Ministers decided to stop the export of all food products to neighbouring countries, reportedly in response to insufficient domestic production. On 23 August, the East African Legislative Assembly decided to investigate issues affecting trade and free movement of citizens between Burundi and Rwanda. Burundian security forces frequently arrested individuals travelling to and from Rwanda, as well as the United Republic of Tanzania.

25. Security incidents involving Burundian armed groups, which allegedly use some areas in South Kivu province of the Democratic Republic of the Congo as a rear base for launching operations from across the border into Burundi, continue to be reported. During the reporting period, Gihanga commune, in the Bubanza province of Burundi, on the border with the Democratic Republic of the Congo, continued to be the site of ongoing incidents between the Burundian Armed Forces, the Burundian National Police and elements presumed to be from the armed faction of the Forces nationales de libération (FNL) led by Aloys Nzabampema.

C. Human rights situation

26. During the reporting period, OHCHR documented and received allegations of serious human rights violations and abuses, including extrajudicial killings, arbitrary arrests and detentions, forced disappearances and cases of torture and ill-treatment, along with allegations of illegal places of detention and restrictions on freedom of association, expression and movement. OHCHR noted an increase in allegations of enforced disappearance, with more than 210 allegations received between October 2016 and January 2017, compared with 77 cases documented by OHCHR between April and 10 October 2016. OHCHR reported at least 30 people killed in the past four months, as well as an upward trend in the discovery of dead bodies, with at least 22 corpses discovered in January 2017.

27. Hundreds of people, including street vendors and children, continue to be arrested each month. Most of them are arrested on suspicion of undermining internal State security, participation in armed banditry, "for investigation purposes" or simply because they are travelling to or from other provinces or neighbouring countries. The Imbonerakure are reportedly increasingly acting as law enforcement agents, including by illegally arresting people and handing them over to the police or conducting joint operations with local authorities and sometimes the police. Reports are also pointing to a strategy of transferring detainees from one province to the other, sometimes several times over a short period of time, which carries a risk of enforced disappearance.

28. On 23 January 2017, the President signed a decree pardoning certain categories of detainees. The implementation of the decree, which according to the Ministry of Justice will benefit approximately 2,500 detainees, will contribute to relieving prison overcrowding in Burundi. As of 8 February 2017, a total of 1,033 prisoners, including 25 children, have been released pursuant to the decree. Reportedly, at least 58 members of the Movement for Solidarity and Democracy were pardoned, but not all of them have been released. Some offences, such as

undermining internal security, were excluded from the presidential pardon. Such offences have become the main justification for the arrest, prosecution and sentencing of members of opposition parties.

29. Members of opposition political parties, as well as perceived opponents, reportedly continue to be victims of arbitrary arrest, detention, ill-treatment and enforced disappearance. In January 2017, at least 35 members of political opposition parties were arrested (26 from the FNL-Rwasa, 1 from the FNL-Nzabampema, 1 from the Union pour la paix et le Développement (UPD)-Zigamibanga, 4 from Unité pour le progrès national (UPRONA) and 3 from the Movement for Solidarity and Democracy; at least 10 were ill-treated or tortured. Ex-soldiers of the Forces armées burundaises were increasingly targeted by national security forces, with several members arrested and becoming victims of enforced disappearance, torture and ill-treatment, in particular following the alleged Mukoni attack.

30. Alleged perpetrators of human rights violations continue to benefit from total impunity. Very little effort has been made to investigate human rights abuses committed by State agents or the Imbonerakure.

31. While OHCHR has not been able to document cases of sexual and gender-based violence during the reporting period, this could mainly be a result of the ongoing climate of fear, distrust of the authorities and the judicial system and the stigma generally associated with such violence, which prevents survivors from reporting and accessing services. Information from open sources quoting Burundian refugees suggests that women and girls have been subjected to sexual and gender-based violence while fleeing the country.

32. A significant number of human rights defenders, lawyers, journalists and members of civil society organizations fled the country, and those still operating in Burundi face considerable risk. During the reporting period, freedom of expression and freedom of the media in Burundi remained restricted. The activities of Burundian media oversight organizations such as the Press Observatory in Burundi and the Burundian Association of Radiobroadcasters continue to be paralysed, while the Organization of Burundian Journalists was suspended by the Government on 24 October 2016.

33. Journalists working for private and independent media continued to face harassment through arbitrary arrest, detention or enforced disappearance. In the light of restrictions imposed on private media, social media has come to serve as an alternative source and sharing platform of often unverified information on security events and human rights violations, which has contributed to the circulation of speculation and rumours.

34. Civil society organizations continue to be subject to repression. On 19 October 2016, the Minister of the Interior signed a ministerial order removing five organizations from the register of civil society organizations: Forum pour le renforcement de la société civile au Burundi, Forum pour la consience et le développement, Action by Christians for the Abolition of Torture, Association pour la protection des droits humains et des personnes détenues and Réseau des Citoyens Probes. On 24 October, the Minister of the Interior issued a second order suspending a further five organizations for an undetermined period: Coalition de la société civile pour le monitoring électoral, Coalition Burundaise pour la Cour Pénale Internationale, Union Burundaise des Journalistes, Ligue Iteka and SOS Torture Burundi. On 21 December 2016, Ligue Iteka, which is one of the oldest and most respected human rights non-governmental organizations (NGOs) in Burundi, was permanently banned.

35. Further restrictions were implemented on 23 December 2016, when the National Assembly of Burundi adopted legislation that requires civil society organizations that are based abroad or funded from abroad to deposit one third of their operating budget into the central bank of Burundi, pay all their employees (including international employees) in Burundian francs and respect ethnic quotas in hiring local staff. The law was adopted by the Senate and promulgated by the President in January 2017.

Cooperation with the Office of the United Nations High Commissioner for Human Rights, other international human rights mechanisms and the International Criminal Court

36. During the reporting period, the Government withdrew its cooperation from a range of human rights mechanisms. The Committee against Torture convened a special review session on Burundi on 28 and 29 July. Members of the Committee and a Burundian delegation headed by the Minister of Justice were to discuss steps taken to investigate summary executions, arbitrary detentions, torture and ill-treatment of opposition members, journalists and human rights defenders, including the attack against the President of the Association pour la protection des droits humains et des personnes détenues, Pierre Claver Mbonimpa, in August 2015, and the murder of his son in November 2015. On 29 July, however, in an unprecedented move, the Burundian government delegation withdrew from the session. In a note verbale dated 29 July addressed to OHCHR, the Government indicated that the proceedings had been premised on reports to which the Government had no prior access and requested additional time to respond. In response, the Committee indicated that it regretted the Government's absence during the dialogue session of 29 July and stressed that established procedures had been followed.

37. On 20 September, the independent investigation on Burundi carried out pursuant to Human Rights Council resolution S-24/1 released its final report, citing a systematic pattern of gross human rights violations, some of which it identified as possibly amounting to crimes against humanity, committed primarily by State agents and those linked to them. The report also identified human rights abuses reportedly committed by the armed opposition, including cases of murder, targeted assassinations and grenade attacks, which had caused casualties among the population. The Burundian authorities described the report as a "political report" and "full of lies". Similarly, the ruling CNDD-FDD party issued a press statement on 22 September in which it rejected the findings of the report as "unverified" and "dangerously biased" and requested the United Nations to consider the report void, while reaffirming the party's "attachment to human rights principles". Protests against the publication of the report took place between 22 and 30 September, mostly in Bujumbura Mairie, but also in several other provinces, including in front of the OHCHR office.

38. On 30 September, the Human Rights Council adopted its resolution 33/24, in which it established a commission of inquiry into human rights violations in Burundi. The Government rejected the resolution as "inapplicable in Burundi" in a press communiqué dated 3 October. On 10 October, the Government declared the three experts of the independent investigation on Burundi personae non gratae in Burundi.

39. On 11 October, the Government announced the suspension of all cooperation and collaboration with the OHCHR office in Burundi for "complicity" in preparing the report of the independent investigation on Burundi.

40. On 27 October, the Government formally notified the Secretary-General of its withdrawal from the Rome Statute of the International Criminal Court.

41. On 14 November, the Office of the Prosecutor of the International Criminal Court presented its annual report on preliminary examination activities. It affirmed that, despite Burundi's withdrawal from the Rome Statute, the preliminary examination would continue and "may also include any other crimes within the same situation that could be committed in Burundi until the withdrawal becomes effective", on 26 October 2017.

42. On 23 November, the Minister of Human Rights, Social Affairs and Gender announced the Government's refusal to cooperate with the commission of inquiry established by the Human Rights Council pursuant to its resolution 33/24, following the appointment of the three members by the President of the Human Rights Council. Peaceful Government-sponsored protests across the country resumed on 26 November against the commission of inquiry.

43. On 28 November, the Committee on the Elimination of Racial Discrimination, acting under its early warning and urgent action procedure, expressed grave concern at the human rights situation, reports of armed militia intimidating the population, the issuance of a questionnaire by the Ministry of Civil Service on 8 November requesting all public servants to state their ethnicity, the frequent use of hate speech and incitement to ethnic violence by government officials, and Burundians seeking refuge in neighbouring countries. The Committee urged the Government to abide by its international human rights obligations and refrain from taking any action that would exacerbate ethnic tensions in the country.

Incitement to hatred and violence

44. Since the beginning of the crisis, political figures have used inflammatory and hate-filled language in speeches, on social media, in communiqués and in the press, calling on the population to "protect" the country against so-called traitors and plotters allegedly trying to destabilize Burundi. Rhetoric has included incitement to violence, as well as attacks on the opposition and against civil society, while neighbouring countries have been accused of involvement in attempted assassinations. On 26 November, during protests in Rumonge against the appointment of the three members of the commission of inquiry in Burundi, the Secretary-General of CNDD-FDD, Evariste Ndayishimiye, indicated that the Burundian people as a whole were ready to "seriously deal" with whomever would attempt to destabilize the regime. He called "traitors" the Burundians who were outside the country, whom he accused of trying to destabilize the country with the assistance of foreign powers. The Imbonerakure chanted slogans hostile to the opposition and songs of victory for CNDD-FDD. Some members of the opposition have in turn openly called for the use of force to remove the regime.

45. The United Nations is unable to monitor the use of hate and inflammatory speech throughout the country owing to the restricted operations of OHCHR and the limited capacity of the Office of the Special Adviser, which make it difficult to present a full picture of the extent of hate speech in the country or to contextualize individual statements.

D. Socioeconomic and humanitarian developments

46. The political crisis has had a negative impact on the socioeconomic and humanitarian situation in Burundi. The key macroeconomic indicators show a decline in gross domestic product growth, a significant loss of foreign exchange reserves and a sharp drop in public investment. Public debt increased to over 50 per cent in 2016. Unemployment rates are soaring, especially among youth.

47. According to the Government budget for the 2016 fiscal year, security spending increased, while allocations to social sectors such as health, education and agriculture declined. In the health sector, there is a chronic shortage of essential medicine. In 2016, the education, health and water/sanitation budgets decreased by 30 per cent, 54 per cent and 72 per cent, respectively. The Government broadened and accelerated national and local revenue collection, including through the introduction of local taxes and levies and the decentralization of payments to teachers to the local level.

48. In 2016, the number of people in need of humanitarian assistance increased from 1.1 million to at least 3 million (26 per cent of the total population); women, children and youth were the most affected, particularly when in a situation of displacement. The number of people in need of protection has almost doubled, from 1.1 million to 1.8 million. The sociopolitical crisis has had an impact on the rule of law and on access to essential support services, thus exposing the most vulnerable to multiple protection risks, including gender-based violence and other violations and abuses.

49. There has been a four-fold increase in the number of people who are food insecure — from 730,000 to 3 million — owing to the rising prices of basic food items, the seasonal rain deficit during the 2016 agricultural season, chronic poverty and poor harvests. According to the World Health Organization, some 8.2 million Burundians (73 per cent of the total population) were affected by malaria in 2016; 3,826 died. The number of internally displaced persons is estimated at 170,000, while the number of spontaneous returnees identified so far in some targeted provinces is approximately 37,000. The monthly rate of arrival of refugees in neighbouring countries from August to October 2016 doubled from previous months, and the increasing trend was confirmed in the first weeks of 2017. As of early February 2017, the number of Burundians who had fled the country since April 2015 stood at 387,000.

50. The 2016 humanitarian appeal for Burundi for $62.3 million benefited from a late surge in funding, making it 99 per cent covered by the end of the year. However, timely humanitarian assistance has been hampered by the Government's restrictive approach to the issuance of visas to staff of international NGOs, as well as the requirement that Government line ministries accompany daily field missions and the withholding of donor funds earmarked for NGOs that were to be channelled through the central bank of Burundi.

Peacebuilding activities

51. The Peacebuilding Commission continued its engagement in helping to prevent the crisis from escalating further and restoring trust between the Government of Burundi and its main international partners. In this regard, the Chair of the Burundi configuration of the Commission engaged in policy discussions on the economic impact of the political crisis in Burundi. This engagement included discussions with government authorities in charge of finances and the economy and briefings with officials from the World Bank, the International Monetary Fund, the United Nations country team and the private sector in Burundi.

52. Following the discussions, the Chair, together with the United Nations Resident Coordinator, organized consultations with multilateral partners of Burundi, namely, the World Bank, the African Development Bank, the European Union, the International Monetary Fund and the United Nations system, in Geneva on 7 and 8 November. The purpose of the consultations was to compare the partners' macroeconomic assessments, exchange information on their responses to the current socioeconomic challenges, explore ways to address them and identify possible

synergies. The Peacebuilding Commission has agreed with the Government to pursue this engagement with multilateral partners in 2017.

53. The Peacebuilding Fund provided the Office of the Special Adviser with resources to enable the Special Adviser to support dialogue efforts, including support for the EAC facilitation of the inter-Burundian dialogue. It also continued to provide direct funding to the African Union in support of the deployment of 32 out of 100 authorized African Union human rights observers, who are mandated to monitor and document the human rights situation in Bujumbura and other areas of the country. This was the first such instance of the provision of direct funding to the African Union. It was conducted in coordination with the European Commission, which is providing sustained funding to the human rights observers. The Peacebuilding Fund also continued to promote dialogue and conflict resolution capacities at the local level. A network of more than 500 women mediators has continued to address local conflicts and has brought together women of different political affiliations, and urban youth are being provided with targeted socioeconomic opportunities to improve social cohesion and community security.

III. Implementation of resolution 2303 (2016) and activities of the Special Adviser

54. On 30 July, the day following the adoption of resolution 2303 (2016), some 1,000 people, including members of CNDD-FDD and allied parties, protested against the adoption of the resolution in front of the French and Rwandan embassies in Bujumbura and urged the Security Council to review its decision to deploy a United Nations police component to Burundi. On 2 August, the Government issued a communiqué stating that while it had previously consented to the deployment of between 20 and 50 unarmed police officers, the current situation no longer warranted such a deployment which, it said, would be better put to use in Rwanda, where the armed opposition was being recruited and trained. In a press communiqué issued on 15 August, the ruling CNDD-FDD party similarly criticized the Council's decision to deploy United Nations police to Burundi as a violation of the country's sovereignty.

55. On 18 August, the Minister of External Relations and International Cooperation of Burundi, Alain Aimé Nyamitwe, sent me a letter in which he reiterated his Government's rejection of resolution 2303 (2016). The Minister referred to the Security Council's alleged failure to seek the Government's consent for the deployment of a United Nations police component and claimed a positive change in the current situation, suggesting that a foreign presence was no longer required. He stressed the Government's continued commitment to dialogue, support for the deployment of the 200 African Union human rights observers and military experts and the need for the Government's consent for any further strengthening of the Office of the Special Adviser. On the same day, the National Assembly and the Senate issued a statement and a resolution, respectively, rejecting the adoption of resolution 2303 (2016) on the basis that the decision to deploy police officers in Burundi was taken without Government consent.

56. Implementation of resolution 2303 (2016) has so far been made impossible by the Government's continued rejection of the resolution. On 14 October, the Security Council issued a press statement requesting me to dispatch my Special Adviser to coordinate with the Government of Burundi on the modalities for the implementation of resolution 2303 (2016), in particular with regard to paragraphs 8, 13 and 14 thereof, in accordance with United Nations practice.

57. During his visit to the country, my Special Adviser urged the Government to resume full cooperation with OHCHR. He also called on the Government to commit to confidence-building measures, in particular, an unequivocal commitment to seek an end to the current political crisis through an inclusive dialogue, the release of political prisoners who had not used or advocated violence, the opening of political space for opposition and civil society and a firm commitment not to introduce non-consensual changes to the Constitution that would violate the Arusha Agreement.

58. Upon his return from Burundi, my Special Adviser briefed the Security Council on 8 November on the outcome of his visit, stressing the need for a new compact between the Government and the international community, with both sides engaging in a constructive effort to promote peace and stability, in full respect of Burundi's sovereignty. He also informed the Council that his interlocutors had indicated openness to the deployment of up to 50 unarmed police officers. However, it was subsequently learned that the Government was no longer willing to entertain such an option and had decided to reject any kind of United Nations police deployment.

59. As a result, the key elements of resolution 2303 (2016) remain unimplemented, namely, the increase in the human rights monitoring capacity in the country, support for the inter-Burundian dialogue, the swift implementation of the strengthening of the Office of the Special Adviser, and the establishment of a United Nations police component in Burundi and ensuring its progressive deployment.

A. Human rights monitoring

60. In paragraph 4 of resolution 2303 (2016), the Security Council urged the Government of Burundi to continue to cooperate fully with OHCHR and requested the Secretary-General, in conjunction with the United Nations High Commissioner for Human Rights, to take appropriate steps to reinforce the human rights monitoring capacity to monitor the situation in Burundi. However, the monitoring and reporting capacity of OHCHR has been eroded by the Government's decision to suspend its cooperation, to the detriment of the situational awareness of the entire United Nations system. As a result, OHCHR has had to put on hold its technical cooperation with the Burundian authorities and has to rely in part on information received from third parties for its reporting. While the sources are deemed to be credible, OHCHR cannot independently verify the information.

61. The Government requested OHCHR to engage in negotiations to amend the memorandum of understanding that has been in place since 1995 regarding the mandate, size and duration of the OHCHR presence in Burundi.

B. Deployment of African Union observers

62. As of February 2017, only 45 African Union human rights observers, 32 of whom are funded through catalytic funding provided by the Peacebuilding Fund, have been deployed to Burundi. Twenty-three African Union military experts have been deployed; however, owing to a scheduled rotation, there were only 10 African Union military experts in the country at the time of reporting. Despite months of negotiations, the Government has yet to sign a memorandum of understanding guiding the African Union deployment in Burundi.

63. In this regard, the proposals for United Nations support for the deployment of the African Union observers, which were requested in paragraph 11 of resolution

2303 (2016), were submitted to the Security Council on 19 September 2016, following extensive consultations with the African Union. The proposals included a targeted package of operational support to the African Union, including office premises, associated facilities management services, transportation, fuel, information and communications technology equipment, medical and medevac services and personal protection equipment, with a key defining principle being parity of support between United Nations and African Union personnel. While awaiting any further decision of the Council, the United Nations continues to maintain a close working relationship with the African Union.

C. Support for the inter-Burundian dialogue

64. My Special Adviser and his team have engaged the EAC facilitation team on several occasions and participated in facilitation activities when requested. During the week beginning 6 February 2017, the Special Adviser's team travelled to Arusha and worked together with the African Union and the EAC facilitation team on preparations for another round of consultations with Burundian stakeholders. Together, they developed the format, agenda and list of participants for the session. The three teams agreed to form a "joint technical working group" to support the dialogue process and are finalizing terms of reference to formalize cooperation and support arrangements. This development marks a significant enhancement of collaboration among EAC, the African Union and the United Nations.

D. Strengthening the Office of the Special Adviser

65. In resolution 2303 (2016), the Security Council requested the Secretary-General to swiftly implement the strengthening of the Office of the Special Adviser, as referred to in paragraph 10 of Council resolution 2279 (2016) and paragraph 7 of Council resolution 2248 (2015), by substantially increasing the number of political officers in Burundi in order to: (a) engage with all stakeholders to the crisis, including the Government, opposition, political parties, civil society, religious leaders and others; (b) provide substantive support to the inter-Burundian dialogue; and (c) work with all Burundian parties to develop confidence-building measures to improve the human rights and security situation and foster an environment conducive to political dialogue. The Council also stipulated additional reporting requirements. On the basis of its existing staffing levels, the Office of the Special Adviser has a limited capability to fulfil these mandated tasks and to monitor and report on the situation in the country, and has no capacity to do so outside of the capital, Bujumbura.

66. Following extensive discussions in the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee, on 23 December 2016, the General Assembly, in section XIX, paragraphs 24-29, of its resolution 71/272, decided to maintain the Office's budget at its 2016 level and not to authorize any additional posts or resources, effectively preventing the implementation of Security Council resolutions 2279 (2016) and 2303 (2016) in this regard.

67. The Office of the Special Adviser and OHCHR are not alone in experiencing Government restrictions. Some members of the United Nations country team have been affected by the Government's decision to require 10 days' notification ahead of any in-country travel. There have been delays in the processing of visas, and some local staff have faced intimidation, including instances of arbitrary arrest.

E. Police deployment

68. As mandated by the Security Council, the Secretariat proceeded with planning and preparations for the deployment of up to 228 individual police officers in accordance with the provisions of resolution 2303 (2016). Since my Special Adviser's previous briefing to the Council, there has been no progress in the deployment of a United Nations police component. It is worth recalling that on 23 August, the Secretariat sent a note verbale to the Government of Burundi regarding the dispatch of a technical assessment mission, in accordance with standard United Nations procedures, in preparation for a new deployment. On 24 August, the Secretariat was informed by the Government in a note verbale that it would not agree to the dispatch of such a mission. In the event of consent from the Government, the Department of Peacekeeping Operations of the Secretariat stands ready to deploy a police component within 15 days with a view to ensuring initial operational capacity on the ground.

F. Contingency planning

69. On 6 January 2016, the Department of Peacekeeping Operations submitted to the Security Council a contingency plan for the deployment of uniformed personnel in Burundi. The plan envisages the deployment of a well-equipped and coercive force, generated from within existing United Nations capacities, in response to widespread and systematic human rights violations potentially amounting to genocide, subject to Security Council authorization, the consent of the host country and the agreement of troop-contributing countries. The plan is updated on a regular basis. However, it is important to acknowledge that the United Nations is ill-equipped to mount the type of peace enforcement operation that may be required in the event of mass atrocities in Burundi. Identifying a country or a coalition of the willing to carry out such an operation therefore remains a priority.

IV. Observations and recommendations

70. The foundational values of the Arusha Agreement, namely, justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people, have been undermined over the course of this crisis.

71. The adoption of constitutional amendments that would reverse provisions of the Arusha Agreement would, under the current circumstances, bear the risk of plunging the country back into armed conflict, with unpredictable repercussions for the region. I am very concerned about the President's recent statement alluding to the possibility of seeking a fourth term in office, which would require amendments to the Constitution. While Burundians have the sovereign right to amend their Constitution in accordance with their own laws, it was President Nkurunziza's decision to seek a third term that triggered the country's most severe crisis since it emerged from a bloody civil war more than a decade ago. Burundi has still not recovered from the electoral crisis of 2015 and continues to face multifaceted challenges, including ongoing serious human rights violations and abuses, economic degradation and the mass displacement of people. An attempt by the President to seek a fourth term in office under the current circumstances would risk intensifying the crisis and undermining collective efforts to find a sustainable solution to the crisis in the country.

72. Burundi's political leadership has the moral obligation and political responsibility to make every effort to return the country to a path of peace and economic and social development. The fact that the crisis in Burundi has not escalated into a full-blown armed conflict so far is not an indicator that the worst has been averted. On the contrary, potential triggers for an escalation and violence remain in place. I urge all Burundian stakeholders to place their country's interests above their own and to commit in good faith and without preconditions to a truly inclusive and credible dialogue led by EAC, based on respect for the Arusha Agreement. This is the only way to address political differences in a peaceful manner and find a durable solution to the crisis. I would like to reiterate the full support of the United Nations to the region's peace efforts. To this end, the United Nations system will continue to mobilize adequate resources and expertise to support the mediation led by EAC.

73. The United Nations has sought to use its good offices role to work with the Government and other stakeholders in a constructive manner, with the aim of helping to open up political space. During my predecessor's visit to Burundi in February 2016, President Nkurunziza expressed his commitment to a number of confidence-building measures, such as the release of political prisoners who did not use or advocate violence, lifting the ban on independent media and lifting the ban on suspended NGOs. However, more needs to be done. It is crucial that the Government deliver fully on its commitments. In this regard, it would be essential to lift the restrictions on civil society, human rights and media organizations to allow them to operate freely and participate in the political process and to foster the promotion and protection of human rights, including full freedom of expression and an independent media.

74. My Special Adviser and other United Nations officials continued to pursue these efforts and repeatedly encouraged the Government to follow through on these commitments. Despite these efforts, the Government has ultimately failed to take the necessary steps to open political space and allow for the creation of a climate conducive to a peaceful resolution of the crisis.

75. Reduced cooperation with the United Nations system, including the imposition of restrictions on operations throughout the country, has further undermined efforts to find a peaceful solution to the crisis. In particular, the suspension of cooperation with OHCHR and other human rights mechanisms is of grave concern. I urge the Government to renew its partnership with the United Nations system, including OHCHR and the Office of the Special Adviser. I also call upon the Government to sign a status-of-mission agreement with the United Nations, allowing the Office of the Special Adviser to operate freely.

76. I note that the Government has yet to sign the memorandum of understanding with the African Union on the deployment and activities of the African Union human rights observers and military experts. I urge the Government to sign without further delay this memorandum of understanding, which will allow the African Union human rights observers and military experts to fully operate in the country in fulfilment of their mandated responsibilities. I call upon Member States to support their deployment, including through consideration of the proposals submitted to the Security Council on 19 September 2016. The United Nations will continue to enhance its cooperation with the African Union in support of the dialogue process facilitated by EAC.

77. The socioeconomic and humanitarian situation in the country is increasingly dire. It is critical that the Government respect humanitarian space to facilitate the delivery of humanitarian assistance. I would like to commend the region for its generosity and hosting large numbers of refugees, and reiterate the readiness of the

United Nations to continue to provide required support. Humanitarian actors have intensified their efforts in this regard.

78. The risk that a deterioration of the situation would represent for the country, and potentially for the entire subregion, should not be underestimated. I am convinced that there remains an urgent need to address the crisis. Failure to act decisively now through inclusive dialogue would only lead to further suffering of the population and threaten to undo more than a decade of peacebuilding work. The region and the international community should put their full political weight behind the dialogue process facilitated by EAC to prevent a situation that has the potential to result in widespread violence, with a potential spillover into neighbouring countries.

79. In the light of allegations of persisting human rights violations, urgent measures must be taken to ensure accountability and prevent impunity. I call upon the national authorities to cooperate fully with the commission of inquiry mandated by the Human Rights Council and to hold all perpetrators of human rights violations and abuses to account.

80. The United Nations has worked closely with Burundi for more than two decades, and I trust we will continue our constructive engagement with the Government and the people of Burundi. The path Burundi will follow will depend on the commitment of the Burundians themselves. The Burundians must work together, with the support of the international community, to build a stronger and more stable future for the country.

81. Lastly, I thank my Special Adviser and the overall United Nations system in Burundi for their continued efforts in support of peace and stability in Burundi. I call upon the Security Council and the international community to remain engaged and support all national and regional stakeholders in the search for durable peace in the country.